

### **REMARKS**

Claims 1-20, 22 and 24-33 are pending in the present application. Claims 4, 6, 7, 9, 10, 14, 15, 17, 18, 20, 22, 24-33 are withdrawn based on an Election to a Restriction Requirement made on December 10, 2007. Claims 1-3, 5, 8, 11-13, 16 and 19 stand rejected. Claims 1, 2, 3, 5, 11, 12, 13, 16 and 19 are amended herein. New claims 34-36 are added herein. Support for these amendments and new claims 34-36 can be found for example at page 7, line 15, pages 7 and 8, Tables 1 and 2 and page 31, line 16 through page 32, line 3, page 57, line 35 through page 58, line 2 of the specification and as well as throughout the examples and figures. Claim 8 is cancelled herein without prejudice or disclaimer. Thus, no new matter is added.

### **Sequence Compliance**

Claims 5 and 13 are allegedly not compliant with the format requirement for Sequence Identifiers in claims. The Applicants amend claims 5 and 13 to the appropriate format of SEQ ID NO: X, wherein "X" is a sequence number. Thus, the Applicants submit that the format of these claims is now compliant with MPEP 2422.03.

### **35 U.S.C. § 101**

Claims 1-3, 5, 8, 13, 16, and 19 stand rejected under 35 U.S.C § 101 for allegedly claiming non-statutory subject matter. Specifically, the Examiner alleges that the claims should be amended to refer to "isolated" antibodies. The Applicants respectfully disagree with the Examiner's presumption that antibodies to NOGO exist in nature, because antibodies to NOGO would be self-antibodies. However, in an effort to advance prosecution, the Applicants amend claims 1-3, 5, 8, 11, 12, 13, 16, and 19 to recite the term "isolated" before "antibody." Support for these amendments can be found at page 7, line 15 of the application as well as throughout the examples. The Applicants respectfully submit that these claims are now in condition for allowance and request withdrawal of this rejection.

### **35 U.S.C. § 112, second paragraph**

Claims 1-3, 5, 8, 11-13, 16 and 19 stand rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, the Examiner alleges that claim 1 is indefinite for reciting the phrase “e.g.” In addition, the Examiner alleges that claim 1 is indefinite for reciting the term “NOGO” rather than identifying a specific sequence number. The Applicants amend claim 1 herein so that it no longer recites the phrase “e.g.” Furthermore, the Applicants amend claim 1 herein to recite the term “NOGO-A” which is identified by GenBank accession no. AJ251383, for example, at page 4, line 20 and page 10 lines 20-21 of the specification. The DNA and corresponding amino acid sequence for human NOGO-A became publicly available by Genbank Accession No. AJ251383 on July 22, 2000 through the ncbi database.

In addition, the Examiner alleges that claims 2 and 3 are indefinite for referring to a particular portion of an amino acid structure without proper disclosure of the whole structure itself. The Applicants respectfully submit that, as noted above, NOGO-A is described in the application at page 10 lines 20-21 by reference to GenBank accession No. AJ251383. Thus, the Applicants submit that the meaning of the phrase “a region of human NOGO-A between amino acids 586 to 785” and “a region of human NOGO-A between amino acids 586 to 685” is clear from the description provided in the application. However, in an effort to advance prosecution the Applicants amend claim 2 herein to recite SEQ ID NO: 87 which is disclosed as page 57, line 35 through page 58 line 2 of the application. This sequence recites amino acids 586-785 of human NOGO-A. Accordingly, the Applicants also amend claim 3 to recite the first 100 amino acids of SEQ ID NO:87 which is described in the application as amino acids 585-685 of NOGO-A.

Finally, the Examiner alleges that claim 8 is indefinite for reciting CDRH1, CDRH 2, and CDRH 3 while the parent claim 5 recites CDRs having SEQ ID NOS: 4, 5, 6, for the heavy chain. The Applicants cancel claim 8 herein without prejudice or disclaimer, thus, rendering rejection of this claim moot.

The Applicants respectfully submit that, in view of the forgoing remarks and the claims as amended, they have overcome the Examiner's rejection of 1-3, 5, 11-13, 16 and 19 under 35 U.S.C. § 112, second paragraph. Accordingly, the Applicants respectfully request reconsideration and withdrawal of these rejections.

**35 U.S.C. § 112, first paragraph.**

Claim 8 stands rejected under 35 U.S.C. § 112, first paragraph for allegedly failing to comply with the enablement requirement. Claim 8 is cancelled herein without prejudice or disclaimer, thus, rendering rejection of this claim moot.

35 U.S.C. § 102(b)

Claims 1-3, 11, and 19 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Caroni, *et al.* as evidenced by Zander, *et al.* The Examiner states that Caroni, *et al.* teach a monoclonal antibody, IN-1, that demonstrates non-permissive substrate properties for neurite growth and fibroblast spreading from rat CNS myelin fractions while Zander, *et al.* demonstrate the inherent ability of the IN-1 antibody to bind human NOGO-A. Thus, the Examiner alleges that these references in combination anticipate the claims.

A single prior art reference anticipates a claimed invention only if it identically shows every element of the claimed invention. *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). The Applicants amend claim 1 herein to recite an antibody to NOGO-A comprising “Light chain CDRs set forth in SEQ ID NOs: 1, 2 and 3 and Heavy chain CDRs set forth in SEQ ID NOs: 4, 5 and 6 or an analog of any CDR wherein the amino acid sequence of said CDR is modified by one amino acid.” Support for this amendment can be found, for instance, at pages 7 and 8, Tables 1 and 2 and page 31, line 16 through page 32, line, 3 of the specification and as well as throughout the examples and figures. The Applicants respectfully submit that neither Caroni, *et al.* nor Zander, *et al.* disclose an antibody or functional fragments of an antibody to human NOGO-A comprising the recited CDRs or analogues thereof of claim 1. Thus, these references do not recite each and every element of independent claim 1 or dependent claims 2, 3, 11 and 19.

Claim 12 also stands rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Fiedler, *et al.* Specifically, the Examiner alleges that Fiedler, *et al.* teach a chimeric and partially humanized IN-1 antibody. The Applicants respectfully submit that claim 12 depends from claim 1, which, as noted above, is amended herein to recite specific CDRs for the claimed antibodies and fragments. These CDRs or analogues thereof are not disclosed in any of the art cited by the Examiner, thus, none of the cited art anticipates claim 12 as amended.

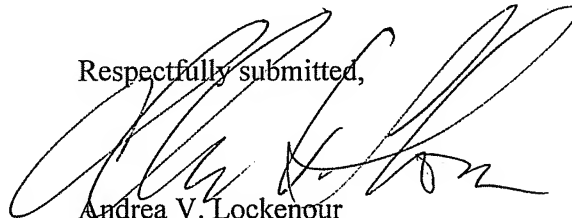
The Applicants respectfully submit that, in view of the forgoing remarks and the claims as amended, they have overcome rejection of 1-3, 11, 12 and 19 under 35 U.S.C. § 102(b). Accordingly, the Applicants respectfully request reconsideration and withdrawal of these rejections.

*Allowed Subject Matter*

The Examiner indicates that claims 5, 13, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. The Applicants herein amend claim 1 herein and as presented above submit that this claim is now in condition for allowance. Furthermore, the Applicants cancel claim 8 and amend claims 13 and 16 to depend from claim 1. Thus, the Applicants submit the claims 5, 13, and 16 are now allowable based on the amendments made herein.

The Applicants reserve the right to prosecute, in one or more patent applications, the claims to non-elected inventions, the claims as originally filed, and any other claims supported by the specification. The Applicants thank the Examiner for the Office Action and believe this response to be a full and complete response to such Office Action. Accordingly, favorable reconsideration and allowance of the pending claims is earnestly solicited. If it would expedite the prosecution of this application, the Examiner is invited to confer with the Applicants' undersigned attorney.

Respectfully submitted,



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